

Applicant : Manwaring, et al.  
Appl. No. : 10/674,620  
Reply to Office Action Dated 08-17-2005

**IN THE DRAWINGS**

The attached sheets of drawings include changes to Figure 1.

Attachments: Replacement Sheet for Figure 1

Annotated Sheet Showing Changes to Figure 1.

## **REMARKS**

Claims 1-6 remain in the application. Claim 1 is in independent form.

The drawings stand objected to because reference numbers 12 and 14 in Figure 1 designated different elements than in the other Figures. The Applicant submits herewith Replacement Sheet Figure 1 correcting the use of reference numerals 12 and 14 as well as the reference numeral 42. A marked-up copy of the old Figure 1 showing the changes introduced in the Replacement Sheet is included herewith. It is respectfully submitted that the objection to the drawings based on the reference numbers 12 and 14 in Figure 1 has been overcome.

The Disclosure is objected to because of numerous informalities comprising, in each instance, typographical errors. Appropriate correction has been made herein by way of amendments to Paragraphs 1, 2, 3, and 7. The Applicant wishes to express appreciation to the Examiner for identifying these informalities and facilitating correction thereof.

Claims 1-6 stand rejected under 35 USC 112, 2<sup>nd</sup> paragraph, as being indefinite because of the word “upward” used in Claims 1 and 5. The Examiner’s position, is well taken and the stated understanding of the backward breakaway motion is an accurate description of the preferred embodiment of the invention. In order to overcome this rejection of the claims, the Applicant has deleted the objectionable word “upward” from both Claims 1 and 5. The resulting terminology now clarifies that the breakaway movement of the shift lever is toward a parallel relationship with the shift axis. It is not considered necessary or even helpful at this time to include an adjective such as “backward”, “upward”, or the like. Accordingly, it is respectfully submitted that the amendments to Claims 1 and 5 deleting the objectionable word “upwardly” fully overcome the claim rejections under 35 USC §112.

Claim 1 stands rejected under 35 USC 102(b) as being anticipated by Yoji et al. Yoji discloses a steering column assembly, including a breakaway mounting feature 12 for the shift lever 20. According to Yoji, the breakaway feature of the mounting bracket 12 comprises a

region 12a which is designed as a stress concentrator to initiate a catastrophic failure in the bracket 12 when the driver's knee N applies a force in the direction F as depicted by the arrows in Figures 2 and 5. As a result, the shift lever 20 appears to break free of the column assembly and to be thrown in a direction corresponding to the force vector F. According to Yoji, the shift axis is established by the tubular section 11 which, in Figure 8, depicts the rotary motion of the shift lever as the circular arrow B. The force vector F, which comprises the breakaway collapsing direction of the shift lever 20, is not parallel to the shift axis which passes through the center of tubular section 11 and circular arrows B.

Thus, Yoji fails to disclose the characterizing feature of the subject invention, which comprises a collapsing movement of the shift lever toward a parallel relationship with the shift axis in response to a crash condition. Claim 1 of the subject application has been specifically amended to clarify the relationship between the shift axis and the collapsing movement of the shift lever in a crash condition. The subject invention is specifically designed so that the shift lever collapses in a direction that is parallel to its shift axis when a crash event occurs. The structural components which control the movement of the collapsing shift lever are defined in Claim 1, and are not shown in Yoji nor in any prior art of record. Accordingly, it is respectfully submitted that Claim 1, as amended, patentably distinguishes over Yoji et al such that the rejection under 35 USC 102(b) is overcome.

Claims 2-4 stand rejected under 35 USC 103(a) as being unpatentable over Yoji et al in view of Duvall et al. Duvall et al discloses a collapsible steering column assembly including pyrotechnic actuators. Duvall fails to disclose a collapsing shift lever carried on such a steering column assembly. Accordingly, Duvall et al in combination with Yoji fail to suggest or motivate one skilled in the art to combine their respective teachings in such a way to render obvious dependent Claims 2-4 of the subject invention. Accordingly, it is respectfully submitted that the rejection based on 35 USC 103(a) is overcome.

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The Applicant gratefully acknowledges the indication that Claims 5 and 6 would be allowable if rewritten to overcome the rejections under 35 USC 112, 2<sup>nd</sup> paragraph, and to include all of the limitations of the base claim and any intervening claims. The Applicant has herein addressed the rejections based on indefiniteness, and has respectfully submitted that the base claim and intervening claims are now presented in condition for allowance such that dependent Claims 5 and 6 are likewise now in condition for allowance.


Reconsideration of this application as amended is respectfully requested.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 08-2789.

**Respectfully submitted,**

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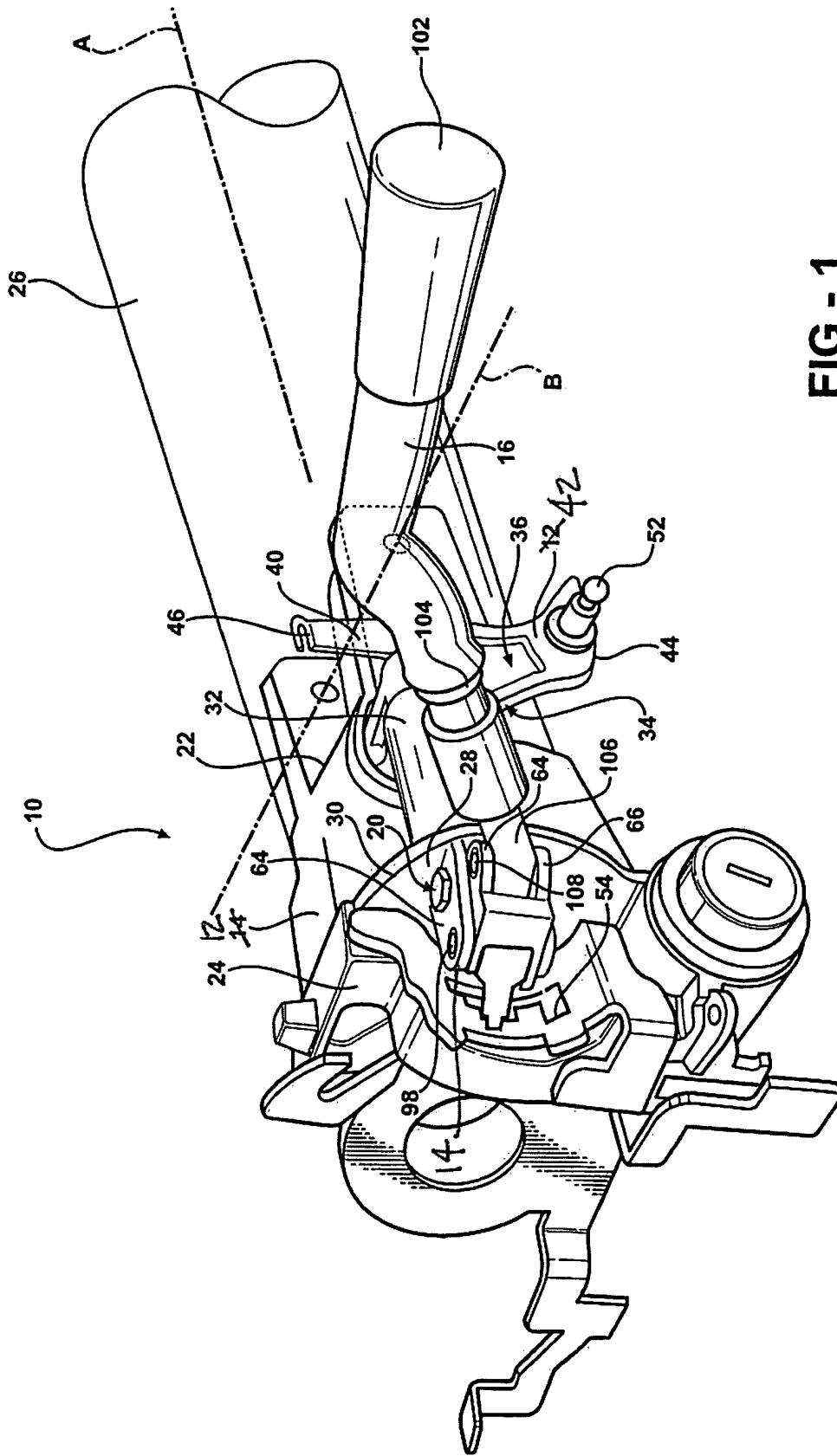


FIG - 1

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